

REMARKS

In the Office Action, all claims were rejected as obvious over U.S. Patent No. 4,662,552 to Uyehara, which discloses a holder for side handle batons. The baton holder includes a base support 20 provided with slots 26 through which two flexible Velcro® straps are passed. The two flexible straps are used to secure the base support to a user's belt. One end of each strap is looped about one of the slots and secured by a rivet, with "the major length of the webbing 50 being passed around the belt 12 (as in FIG. 2) and through" another slot 26. Col. 4, ll. 59-66. According to the disclosure of Uyehara the base support should be "firmly attached to the belt 12." Col. 5, ll. 10-11. Uyehara teaches that the secured base support is intended to prevent the baton from freely bouncing up and down and swinging back and forth while the user is running. Col. 1, ll. 39-42. Further, Uyehara teaches that a flexible support is "inconvenient for use when [the user] must crouch or crawl, because the baton then interferes [sic] with the body or bangs against the ground" Col. 1, ll. 59-61.

In contrast, amended claim 1 includes the limitation that the flexible loop has a middle portion which remains flexible when attached to the user. This flexible middle portion allows the holstered item to freely swing back and forth and to swing towards the ground when the user must crawl. Uyehara therefore teaches away from such a limitation, teaching that the flexible straps are flexible only until they are firmly secured to the belt. The straps are not flexible once firmly secured to the belt, as they are relied on to prevent the baton from swinging back and forth. Uyehara thus fails to teach all the limitations of amended claim 1. Allowance of claim 1 is therefore respectfully requested.

Claims 2-6 are dependent upon claim 1. For the reasons stated above, Uyehara does not teach all the limitations of claims 2-6. Therefore allowance of claims 2-6 is therefore respectfully requested.

In further contrast to Uyehara, new claim 8 includes the limitation that **only one** flexible loop is included to attach the holster to the user, and that this single flexible loop

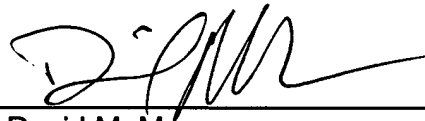
"allows the holster to maintain a vertical or substantially vertical alignment when attached to the user." Uyehara teaches that the **two** flexible straps are needed to firmly secure the base support to the user. As indicated above, one purpose of the two flexible loops is to prevent the holstered baton from swinging back and forth. A single flexible strap that allows the holster to swing freely when attached to a user does not provide the same advantages of two flexible straps that firmly fasten the holster to a user to prevent swinging. Uyehara thus fails to teach all the limitations of claim 8, and for the same reasons, dependent claims 9-13. Allowance of claims 8-13 is therefore earnestly solicited.

BEST AVAILABLE CC

Respectfully submitted,

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